

### REMARKS

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-31 remain pending in this application.

#### §103 Rejection of the Claims

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettey (U.S. Published Patent Application No. 2003/0014544). Applicant does not admit that Pettey is prior art, and reserves the right, as provided for under 37 C.F.R. 1.131, to "swear behind" Pettey at a later time. However, Applicant does not believe it is necessary to swear behind Pettey at this time because Pettey fails to teach or suggest all of the limitations included in claims 1-25 (and claims 26-31 as discussed below) and, accordingly, the Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to the rejection of claims 1-25 (as well as with respect to claims 26-31). Applicant thus respectfully traverses the rejection of claims 1-31.

Claims 1-25 are not obvious, and thus are patentable over Pettey because Pettey fails to teach or suggest all of the limitations included in claims 1-25. By way of example, but not limited to this example, claim 1 includes,

A computerized method, comprising:

- at a server,
  - discovering a device attached to the server;
  - determining a name associated with the device, wherein the name is in a first protocol format;**
  - encoding the name into a second protocol format; and**
  - transmitting the encoded name across a network to a client.**

(Emphasis added).

And further, claim 2 includes,

The method of claim 1, further comprising:

- at the client,
  - receiving the encoded name in the second protocol format from the server;

**decoding the encoded name from the second protocol format into the name in the first protocol format; and sending the decoded name to a host associated with the client.**  
(Emphasis added).

Thus, claim 1 includes determining a name associated with the device, wherein the name is in a first protocol format, encoding the name into a second protocol format, and transmitting the encoded name across a network to a client. Claim 2, which depends from claim 1, includes decoding the encoded name from the second protocol format into the name in the first protocol format, and sending the decoded name to a host associated with the client. Applicant submits that at least these limitations as included in claims 1 and 2 is not taught or suggested by Pettey.

In contrast to these limitations as included in claims 1 and 2, Pettey concerns:<sup>1</sup>

A data center 110 that is configured for web services may experience hundreds of thousands of service requests every hour from clients 122 all over the world. In this sense, FIG. 1 illustrates the major components of a TCP/IP client-server environment 100. For these types of high-volume data centers 110 (also referred to as "server farms"), the server LAN 116 may interconnect hundreds of servers 112. Accordingly, the router 118 of FIG. 1 may indeed represent several different routers 118 and/or protocol-to-protocol translation devices 118 that interface to a number of different client networks 128. The interconnectivity powers of the Internet rest upon the layered nature of TCP/IP. Layering insulates application programs and higher-level TCP/IP layers from the eccentricities associated with lower-level native network protocols. Through the use of TCP/IP transactions, an application program in a client computer 122 is able to "talk" to another application program in a server computer 112, without either of the two computers 112, 122 having any a priori knowledge of the specific underlying native network protocol that is employed by the other computer 122, 112.

Thus, Pettey concerns TCP/IP transactions, where an application program in a client computer is able to talk to another application program in a server computer without either of the two computers having any priori [sic] knowledge of the specific underlying native network protocol that is employed by the other computer. However, this description fails to teach or suggest, "determining *a name associated with the device*, wherein *the name* is in a first protocol

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<sup>1</sup> See Pettey at paragraph [0056].

format; encoding the name into a second protocol format; and transmitting the encoded name across a network to a client," are required by claim 1. (Emphasis added). Further, these statements in Pettey fail to teach or suggest, "receiving *the encoded name* in the second protocol format from the server; decoding the *encoded name* from the second protocol format *into the name in the first protocol format*; and sending *the decoded name* to a host associated with the client," as required by claim 2. (Emphasis added).

Because Pettey fails to teach or suggest the claim limitations in claims 1 and 2, claims 1 and 2 are not obvious in view of Pettey.

Further examples of limitations recited by the claims and not taught or suggested by Pettey are as follows:

Independent claim 7 recites:

a channel adapter coupled to a device, the channel adapter to discover the device and **determine a name associated with the device, wherein the name is in a first protocol format;**  
an encoder coupled to the channel adapter, the encoder to **encode the name into a second protocol format;** and  
a network adapter coupled to the encoder and to a network, the network adapter to **transmit the encoded name across the network** to a client. (Emphasis added).

Independent claim 10 recites,

a network adapter coupled to a network, the network adapter to **receive an encoded name in a second protocol format from a server** connected across the network;  
a decoder coupled to the network adapter, the decoder to **decode the encoded name from the second protocol format into a name in a first protocol format;** and  
a channel adapter coupled to the decoder and to a host, the channel adapter to **send the decoded name** to the host.  
(Emphasis added).

Independent claim 14 recites:

a device;  
a server communicatively coupled to the device via a first channel fabric, the server comprising:  
a first channel adapter coupled to a device,

the first channel adapter to discover the device and  
**determine a name associated with the device,  
wherein the name is in a first protocol format,**  
an encoder coupled to the first channel  
adapter, the encoder **to encode the name into a  
second protocol format,** and  
a first network adapter coupled to the  
encoder and to a network, the first network adapter  
**to transmit the encoded name across the  
network;**  
a client communicatively coupled to the server via the  
network, wherein the client comprises:  
a second network adapter coupled to the  
network, the second network adapter **to receive the  
encoded name in the second protocol format**  
from the server,  
a decoder coupled to the second network  
adapter, the decoder **to decode the encoded name  
from the second protocol format into a name in  
the first protocol format,** and  
a second channel adapter coupled to the  
decoder and to a host, the second channel **adapter  
to send the decoded name to a host;** and  
the host communicatively coupled to the client via a second channel  
fabric. (Emphasis added).

Independent claim 18 recites:

A machine-readable medium bearing instructions that, when  
executed by a server, cause the server to:  
discover a device attached to a server;  
**determine a name associated with the device, wherein  
the name is in a first protocol format;**  
**encode the name into a second protocol format; and**  
**transmit the encoded name across a network to a client.**  
(Emphasis added).

Independent claim 22 recites:

A machine-readable medium bearing instructions that, when  
executed by a client, cause the client to:  
**receive an encoded name in a second protocol format**  
across a network from a server;

**decode the encoded name from the second protocol  
format into a name in a first protocol format; and  
send the decoded name to a host associated with the client.**  
(Emphasis added).

For reasons analogous to those stated above with respect to claims 1 and 2, Pettey fails to teach or suggest the claim limitations included in independent claims 7, 10, 14, 18, and 22, and so independent claims 7, 10, 14, 18, and 22 are not obvious in view of Pettey.

Further, dependent claims 2-6, 8-9, 11-13, 15-17, 19-21, and 23-25 depend from one of independent claims 1, 7, 10, 14, 18, and 22, and so include all of the limitations included in the independent claim from which they depend, and more.

Still further, the Office Action admits on page 3 that Pettey does not "explicitly detail his accelerated connection processor used the encoding and decoding steps in order to bridge the transaction between two different devices having two different protocol formats." Applicant agrees that Pettey does not teach or suggest the encoding, transmitting, decoding, receiving, and sending, as included in claims 1-25, and so fails to teach or suggest at least this subject matter as included in claims 1-25.

In an attempt to remedy this deficiency of Pettey, the Office Action on page 3 states,

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that encoding and decoding procedures are well known in the art. Thus, it would have been obvious for Pettey's processor to perform these well known procedures in order to allow these two different devices with different protocol formats to communicate with each other.

Applicant respectfully disagrees with these statements and submits that since the Office Action does not recite a reference that discloses these limitations as included in the claims, and does not provide any other evidence of record to support these statements, the statements made in the Office Action are within the personal knowledge of the Examiner. Thus, the Examiner is taking official notice with respect to these limitations as included in the claims. Applicant traverses the taking of official notice and requests that the Examiner provide a reference or references that describe the limitations as quoted above as included in claims 1-25. If the

Examiner cannot provide such a reference or references, Applicant requests that the Examiner submit an affidavit as required by MPEP § 2144.03. If the Examiner cannot provide an affidavit, Applicant requests withdrawal of the rejection and reconsideration and allowance of claims 1-25.

In still further examples of limitations included in the claims and not taught or suggested by Pettey:

Independent claim 1 includes,

**discovering a device** attached to the server;  
**determining a name associated with the device**, wherein  
the name is in a first protocol format. (Emphasis added).

Independent claim 7 includes,

a channel adapter coupled to a device, the channel adapter  
**to discover the device and determine a name associated with  
the device**, wherein the name is in a first protocol format.  
(Emphasis added).

Independent claim 14 includes,

a first channel adapter coupled to a device, the first channel adapter **to  
discover the device and determine a name associated with the device**, wherein  
the name is in a first protocol format. (Emphasis added).

Independent claim 18 includes,

A machine-readable medium bearing instructions that, when  
executed by a server, cause the server to:  
**discover a device** attached to a server;  
**determine a name associated with the device**, wherein  
the name is in a first protocol format. (Emphasis added).

In an attempt to supply these limitations, the Office Action on page 2 states, "**disclosing**  
a device (e.g., client 422) attached to the server." (Emphasis added). Applicant submits that  
"disclosing a device," for example client 422, simply refers to a client 422, but fails to teach or

suggest "*discovering* a device attached to the server" as included for example in claim 1. (Emphasis added). Thus, claim 1 requires discovering a device attached to a server, not merely "disclosing a device," as stated in the Office Action. Simply pointing out a "client" in the Office Action fails to teach or suggest "discovering a device attached to a server," as included in claim 1. Applicant's representatives have performed an electronic search of Pettey, and failed to find the word "discover" or the word "discovery" in Pettey. Thus, Pettey fails to teach or suggest "discovering a device attached to the server," as included for example in claim 1.

For analogous reasons, simply pointing out a "client" fails to provide in Pettey a teaching or suggestions of these limitations as included in independent claims 7, 14, and 18 as quoted above. Further, Applicant fails to find in Pettey a teaching or suggestion of these limitations as included in claims 1, 7, 14, and 18, and so for at least these reasons, claims 1, 7, 14, and 18 are not obvious in view of Pettey.

In addition, the Office Action in stating a basis for rejecting claims 1-31 appears to be picking pieces from different systems described in Pettey, which are not described in Pettey as being included in the same system, in an attempt to reconstruct Applicant's claimed limitations, as included in claims 1-31. For example, on page 2 the Office Action refers to "client 422," and "fabric, paragraph 16," and "TCP/IP, paragraph 56," and "network 100 to client 422."

However, Pettey shows FIG. 1 as including servers 112, router 118, and client 122, as included in client-server environment 100, and FIG. 4 as including system 400 including client 422 and servers 410 "interconnected over a data center point-to-point IBA fabric 404 via Infiniband host channel adapters (HCAs 418)."<sup>2</sup> There is no indication in Pettey, and the Office Action fails to point where in Pettey, these systems as shown in FIG. 1 and FIG. 4 in Pettey are interchangeable, as inferred in the Office Action. Further, there is no indication in Pettey that, for example client 422, may be included in "network 100," as inferred in the Office Action, wherein the Office Action on page 2 states, "transmitting the encoded name across a **network (100)** to a **client (422)**." (Emphasis added).

Further, the Office Action relies on "paragraphs 16, 18, 19, 25, and 56"<sup>3</sup> of Pettey in attempting to point out in Pettey these limitations as included in claims 1-31. However, paragraph 0056 in Pettey refers to FIG. 1, which is labeled in Pettey as "Related art" and is

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<sup>2</sup> See Pettey at paragraph [0081].

<sup>3</sup> See e.g. the Office Action at page 3.

referred to in Pettey as "These examples illustrate the limitation of the present day TCP/IP connection management techniques, . . . ." <sup>4</sup> In contrast, paragraphs 0016-0026 in Pettey appear in the "Summary" portion of Pettey, and refer to the "present invention" in several instances in these paragraphs. Thus, the descriptions in paragraphs 0016-0026 of Pettey appear to be directed to different systems than as described in paragraph 0056 in Pettey. These different system are not described in Pettey, and do not appear to be, the same systems. Further, these different systems are not described in Pettey as including interchangeable pieces, or as systems that could even operate using the various pieces as made in the combinations suggested in the Office Action.

Thus, the Office Action is attempting to pick and choose parts and portions of Pettey that are not described in Pettey as being used together, or as even being capable of being used together, and use these parts and portions as the basis for the rejection of claims 1-31. The rejection in the Office Action is therefore attempting to use impermissible hindsight to reconstruct Applicant's claimed limitations based on different parts and portions of Pettey that are not even described in Pettey as being capable of use in the combinations proposed by the Office Action.

By failing to show how Pettey itself teaches or suggests the proposed combination of limitations as included in claims 1-31, the Office Action fails to meet its burden of establishing a *prima facie* case of obviousness with respect to claims 1-31.

Still further, as noted above the Office Action in the statement of the rejection recites, "Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettey." Pending claims 26-31 are not mentioned in this statement of the rejection. However, the Office Action on page 4 states,

Claims 10-13 and 18-31 are similar in scope as of claims 1-9 and 14-17, and therefore claims 10-13 and 18-31 are rejected for the same reasons set forth above for claims 1-9 and 14-17.

Therefore, Applicant assumes claims 26-31 were intended to be included in the statements used as the basis for the rejection of claims 1-25. Applicant requests correction

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<sup>4</sup> See Pettey at paragraph [0047].



and/or clarification in the event this assumption is incorrect, and reserves the right to reply to any clarification and/or correction that may be provided.

Applicant respectfully disagrees that claims 10-13 and 18-31 are "similar in scope of" claims 1-9 and 14-17, as suggested in the Office Action. For example, claims 26-31 are means-plus-function claims under 35 U.S.C. § 112, paragraph 6. MPEP § 2183 (Manual of Patent Examining Procedure, 8<sup>th</sup> Ed., Rev. 5, August, 2006) and require the Examiner to make a *prima facie* case of equivalence under 35 U.S.C. § 112, paragraph 6. However, Applicant respectfully submits that the Examiner has not analyzed claims 26-31 in accordance with how the functions of these claims are equivalent to the corresponding elements disclosed in the specification, as is required by the MPEP § 2183. Applicant respectfully submits that Pettey does not disclose equivalent elements to the corresponding elements disclosed in the specification of this application under 35 U.S.C. § 112, paragraph 6.

It is axiomatic that each word in a claims must be given weight when analyzing claim language. Applicant believes that many of the functions of claims 26-31 have not been viewed properly in light of the equivalent elements in the specification. For example, independent claim 26 recites,

An apparatus, comprising:  
    providing at a server,  
        means for discovering a device attached to the  
server;  
        means for determining a name associated with the  
device, wherein the name is in a first protocol format;  
        means for encoding the name into a second protocol  
format; and  
        means for transmitting the encoded name across a  
network to a client.

For example, the Office Action fails to point out in Pettey the equivalent elements for "means for discovering a device attached to the server," and fails to point out in Pettey the equivalent elements for "means for determining a name associated with the device, wherein the name is in a first protocol format," and fails to point out in Pettey the equivalent elements for "means for encoding the name into a second protocol format," and further, fails to point out in Pettey the equivalent elements for "means for transmitting the encoded name across a network to

a client," all as included in independent claim 26. By failing to meet these requirements, the Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to independent claim 26, and therefore also fails to meet its burden for establishing a *prima facie* case of obviousness with respect to claims 27-31, which depend from independent claim 26.

Applicant believes that for at least the reasons already stated above, claims 10-13 are also not obvious in view of Pettey, and that the Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to claims 10-13.

For at least the reasons stated above, Applicant respectfully requests withdrawal of the rejection, and allowance of claims 1-31.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4041, or the below named signing attorney at 612-371-2132, to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26<sup>th</sup> day of January 2007.

JONATHAN FERGUSON

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Signature